

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SONYA L. SALKIN, Chapter 7 Trustee of the)
substantively consolidated bankruptcy estates of)
Homeowners Funding Corporation of America et al.)
	Bankruptcy Appeal
	Civil No. 04-12245-DPW
Appellant,)
)
v.)
)
DAVID B. GAUDREAU,)
)
Appellee.)

**JOINT MOTION TO ENLARGE BRIEFING SCHEDULE BY 60 DAYS
PENDING BANKRUPTCY COURT'S APPROVAL OF SETTLEMENT**

Appellant, Sonya L. Salkin, the duly appointed Chapter 7 Trustee of the substantively consolidated bankruptcy estates of Homeowners Funding Corporation of America et al., pending in the United States Bankruptcy Court for the Southern District of Florida, Case No. 97-27015-BKC-RBR (“Salkin”) and Appellee David B. Gaudreault (“Debtor”), by their undersigned counsel, hereby move this Court for an enlargement of the briefing schedule by sixty (60) days.

The current deadline set by this Court for the Appellant to file her brief is November 10, 2004.

In support of this Motion, the parties submit as follows:

1. This is an appeal of an Order of the U.S. Bankruptcy Court issued September 8, 2004, denying Salkin’s Objection to the Debtor’s Claim of a Massachusetts homestead exemption in his residence pursuant to Massachusetts General Laws c. 188, § 1.
2. On September 20, 2004, Salkin timely filed her Notice of Appeal.
3. On November 9, 2004, Salkin and the Debtor reached a global settlement in principle of their claims at issue in this appellate proceeding as well as in adversary proceeding captioned

Salkin v. Gaudreault, Adversary No. 04-1203 which is pending before the U.S. Bankruptcy Court.

4. The parties need time to draft a settlement agreement and complete and file a motion with the Bankruptcy Court seeking its approval of the proposed settlement.
5. By Scheduling Order dated October 26, 2004, this Court set the following briefing deadlines:

a. Appellant's Brief:	November 10, 2004
b. Appellee's Brief:	November 25, 2004
c. Appellant's Reply Brief:	December 6, 2004

6. The parties request that the briefing deadlines be enlarged sixty (60) which they believe is sufficient time to allow them prepare the settlement documents and file the appropriate Motion with the Bankruptcy Court.

7. If the settlement is approved by the Bankruptcy Court, Salkin will withdraw her appeal.
8. This Motion is not filed for purposes of delay, and extending the briefing deadlines to allow the parties to file and obtain approval of the settlement pleadings is in their best interest.

WHEREFORE, Appellant Sonya L. Salkin and Appellee David Gaudreault request that this Court grant this Motion and enlarge the briefing deadlines 60 days, and for such other relief as is just.

SONYA L. SALKIN, Chapter 7 Trustee of the substantively consolidated bankruptcy estates of Homeowners Funding Corporation of America et al.

By her attorneys,

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Dated: November 10, 2004